

Remarks

Claims 1-20 are pending. Reconsideration of the application is requested.

§ 103 Rejections

Claims 1-4 stand rejected under 35 USC § 103(a) as being unpatentable over Wolk et al. (US 6,214,520 B1) in view of Lu et al. (US 7,226,812 B2).

Claims 5, 9 and 10 stand rejected under 35 USC § 103(a) as being unpatentable over Wolk et al. (US 6,214,520 B1) and Lu et al. (US 7,226,812 B2) as applied to claim 1 above, and further in view of d'Aragona et al. (US 4,818,323).

Claims 6, 7, 11-14, 18 and 19 stand rejected under 35 USC § 103(a) as being unpatentable over Wolk et al. (US 6,214,520 B1) and Lu et al. (US 7,226,812 B2) as applied to claims 1-4 above, and further in view of Miyakawa et al. (US 7, 201,969 B2).

Claims 8 and 15-17 stand rejected under 35 USC § 103(a) as being unpatentable over Wolk et al. (US 6,214,520 B1) and Lu et al. (US 7,226,812 B2) as applied to claims 1-4 above, and further in view of Oka (US 6,551,906 B2).

Claim 20 stand rejected under 35 USC § 103(a) as being unpatentable over Wolk et al. (US 6,214,520 B1) and Lu et al. (US 7,226,812 B2) as applied to claim 1 above, in view of Oka (US 6,551,906 B2) and further in view of Miyakawa et al. (US 7,201,969 B2).

In summary, claims 1-20 stand rejected under 35 USC § 103(a) as being unpatentable over Wolk et al. (US 6,214,520 B1) and Lu et al. (US 7,226,812 B2) and, for some of the claims, in view of additional references. The Applicants respectfully traverse these rejections for at least the following reason. The Applicants assert that Lu et al. is not prior art and as such, the rejections are improper and should be withdrawn.

Lu et al. (US Pat. No 7,226,812) was filed March 31, 2004 in the USPTO. Applicants' case was first filed in the Japanese Patent office on November 27, 2003 as JP 2003-397960. On October 20, 2004, a PCT application, PCT/US04/34662 was filed in the US Patent Office properly claiming priority to JP 2003-397960 as required under 35 U.S.C. 365 (b). On May 17, 2006, a national stage application for a patent in the United States was filed under

35 U.S.C. § 371 (c) (1), (2), and (4) properly claiming priority to the International Application as required under 35 U.S.C. 119 (a). Lu et al. cannot be considered prior art since it has a filing date (March 31, 2004) that is after the Applicants' effective priority date (November 27, 2003). As such, the Examiner has made improper rejections and the Applicants' respectfully request that they be withdrawn.

Telephonic Interview

The Applicants wish to thank Examiner Ford for the brief telephonic interview that was held on May, 21, 2008 during which the validity of the Lu et al. reference (US Pat. No 7,226,812) was discussed.

In view of the above, it is submitted that the application is in condition for allowance.
Examination and reconsideration of the application is requested

Respectfully submitted,

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Date

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